**FILED** 

## UNITED STATES COURT OF APPEALS

MAY 12 2009

## FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK U.S. COURT OF APPEALS

MARTINHO DE JOAO ROCHA,

Petitioner - Appellant,

v.

DORA B. SCHRIRO; et al.,

Respondents - Appellees.

No. 07-16686

D.C. No. CV-04-00490-JMR District of Arizona, Tucson

**ORDER** 

Before: GRABER, GOULD and BEA, Circuit Judges.

The memorandum disposition filed on April 17, 2009, is withdrawn. A replacement memorandum disposition will be filed concurrently with this order.